

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

9/11 1617  
H6  
Kharman  
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Re the application of: Odidi & Odidi

Serial No.: 09/166,701

Filing Date: October 5, 1998

For: *Controlled Release Pharmaceutical Delivery  
Device and Process for Preparation Thereof*

Group Art Unit: 1617

Examiner: Webman, E..

Attorney Docket No.: SMI-005.01

Assistant Commissioner for Patents  
Washington, D.C. 20231

**Certificate of First Class Mailing**

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on the date set forth below.

February 14, 2000

Date of Signature and Mail Deposit

By: Sean Lennon  
Sean Lennon

**RESPONSE TO RESTRICTION REQUIREMENT**

Dear Sir:

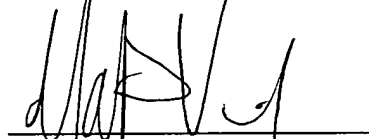
In response to the Restriction Requirement dated January 14, 2000 in the above-referenced application, Applicants hereby provisionally elect with traverse to prosecute the claims of Group I, i.e., claims 1-12 and 23-32, which are drawn to a composition. Applicants contend that no undue burden is placed upon the Examiner to search all Groups as listed in the Restriction Requirement.

The Examiner further required the election of a species for Group I claim 5 and Group II claim 16, which the Examiner contends are "generic to a plurality of disclosed patentably distinct species comprising cellulose ethers," and for Group I claim 12, which the Examiner contends is "generic to a plurality of disclosed patentably distinct species comprising excipients." Accordingly, Applicants hereby provisionally elect with traverse: "hydroxyethyl cellulose" as the species of claim 5; and "silicified microcrystalline cellulose" as the species of claims 12.

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Applicants note that the election of species in for examination purposes only and that, should the elected species be deemed patentable, Applicants are entitled to a search and examination of the remaining species. Should there be any questions after review of this paper, the Examiner is invited to contact the undersigned at (617) 832-1177.

Respectfully submitted,  
FOLEY, HOAG & ELIOT LLP

  
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Date: February 14, 2000

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